

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

JOHN SEELY)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO.: 1:07-CV-20-TS
)	
JAMES SEELY and GWEN SEELY,)	
)	
Defendants.)	

OPINION AND ORDER

The pro se Plaintiff, John Seely, filed a Petition to Remove State Case to Federal Court and Motion for Preliminary Injunction. The Plaintiff sought to remove to this Court a case that he filed in the Allen Superior Court. He believes that the state court violated federal law when it compelled disclosure of his medical and mental health records. On February 9, 2007, the Court denied the Plaintiff's petition for removal and remanded the cause to state court. On February 20, the Plaintiff moved to alter or amend [DE 7] the Court's order of remand. The Defendants responded on March 9 and the Plaintiff replied on April 12.

The Plaintiff argues that removal is appropriate under 28 U.S.C. § 1441 because his pleadings raise a federal question over which this Court has original jurisdiction. The Plaintiff's motion does not address the fact that the federal removal statute contemplates removal by a defendant and does not allow removal of a suit by the plaintiff who filed the action in state court. 28 U.S.C. § 1441(a), 1446(a).

Because it "clearly appears on the face of the notice . . . that removal should not be permitted," this Court was correct to "make an order for summary remand." 28 U.S.C. § 1446(c)(4).

For the foregoing reasons, the Plaintiff's Motion to Alter/Amend [DE 7] is DENIED.

SO ORDERED on May 14, 2007.

s/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT